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ACTION AF-01

INFO	LOG-00	AMAD-01	CIAE-00	PFIP-01	C-01	DODE-00	EUR-01
	HA-09	H-01	INRE-00	INR-01	IO-19	L-03	ADS-00
	NSAE-00	NSCE-00	OIC-02	OMB-01	PA-01	PM-01	PRS-01
	P-01	SNP-01	SP-01	SSO-00	SS-01	TRSE-00	T-01
	USIE-00	/049W					

-----6108C1   141157Z /38

O 141151Z SEP 92  
FM AMEMBASSY DAR ES SALAAM  
TO SECSTATE WASHDC IMMEDIATE 8827  
INFO AMEMBASSY KIGALI IMMEDIATE  
AMEMBASSY ADDIS ABABA  
AMEMBASSY BRUSSELS  
AMEMBASSY DAKAR  
AMEMBASSY HARARE  
AMEMBASSY COTONOU  
AMEMBASSY LAGOS  
AMEMBASSY NAIROBI  
AMEMBASSY PARIS  
AMEMBASSY BONN  
AMEMBASSY BUJUMBURA  
AMEMBASSY KAMPALA  
AMEMBASSY LONDON  
AMEMBASSY BAMAKO

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PARIS FOR PERLOW; LONDON FOR MCKINLEY

E.O. 12356: DECL: N/A  
TAGS: PREL, AORC, OAU, MOPS, RW, TZ  
SUBJECT: ARUSHA III: PROGRESS OF THE WEEKEND

REF: DAR ES SALAAM 5203

THE FOLLOWING REPORT WAS TELEPHO ED FROM ARUSHA BY  
PTCPHXUSMOVE ON TO DISCUSSIONS OF SPECIFIC  
INSTITUTIONS AND MECHANISMS THAT WOULD MEET THEIR

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CONCERNS. ON SEPTEMBER 13 THE RPF AND GOR DELEGATIONS AGREED ON COMPROMISE LANGUAGE ON POWER-SHARING AND STARTED TO TAKE UP THE MECHANISMS OF RPF PARTICIPATION IN THE INSTITUTIONS OF THE TRANSITIONAL GOVERNMENT. END SUMMARY.

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POWER-SHARING: DEADLOCK . . .  
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2. AT A MEETING BEFORE THE OPENING OF THE SEPTEMBER 12 PLENARY, TANZANIAN FONMIN DIRIA AND THE OBSERVER DELEGATIONS AGREED THAT THE TWO SIDES REMAINED DIVIDED OVER THE DEFINITION AND SCOPE OF POWER-SHARING. THE CONSENSUS WAS THAT THE GOR WAS SHOWING CONSIDERABLE FLEXIBILITY BUT THAT IT COULD NOT ACCEPT THE RPF DEMAND FOR POWER-SHARING -- AN AGREEMENT THAT WOULD OVERRIDE THE EXISTING CONSTITUTION AND GOVERNMENT. THE OBSERVERS AGREED TO WORK WITH BOTH SIDES TO TRY TO MOVE TOWARD DISCUSSIONS OF HOW THE RPF NEEDS COULD BE ACCOMMODATED

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WITHIN THE FRAMEWORK OF EXISTING INSTITUTIONS, INCLUDING THE JPMC.

3. AT THE PLENARY, THE RPF PROPOSED AN AMENDMENT TO ARTICLE ONE OF THE WORKING DOCUMENT TO DEFINE POWER-SHARING RULING A TRANSITIONAL REGIME AS INCLUDING ALL THE INSTITUTIONS OF THE STATE. THE GOVERNMENT BALKED AT SUCH A SWEEPING DEFINITION, OFFERING INSTEAD LANGUAGE THAT LIMITED POWER-SHARING TO THE GOVERNMENT (NARROWLY DEFINED AS THE EXECUTIVE BRANCH AND CABINET) BUT OFFERING TO CONSIDER REFORMS TO OTHER INSTITUTIONS SUCH AS THE LEGISLATURE AND THE JUDICIARY THAT WOULD ENABLE THE RPF TO PARTICIPATE WITH THE OTHER PARTIES IN MANAGING THE TRANSITION. SEVERAL ATTEMPTS TO FIND COMPROMISE LANGUAGE, INCLUDING INTERVENTIONS BY FONMIN DIRIA AND OAU REP MAPURANGA, FAILED TO BREAK THE IMPASSE. THE RPF WAS CONCERNED THAT THE GOR FORMULATION WOULD LEAVE THE BROAD POWERS OF THE PRESIDENCY INTACT AND LEAVE THEM WITH NO RECOURSE IF THE GOR RENEGED OR THE TRANSITION PROCESS WENT AWRY. THE PLENARY ADJOURNED WITH THE TWO SIDES STILL FAR APART. THE ONE NOTE OF HOPE: THE TWO SIDES AGREED THAT THE ORIGINAL DRAFTING COMMITTEE (WHICH HAD PRODUCED THE WORKING PAPER) WOULD SIT DOWN WITH OAU REP MAPURANGA AND TRY TO FIND A

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COMPROMISE FORMULA.

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. . . THEN COMPROMISE  
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4. FOLLOWING THE PLENARY, U.S. REP RAWSON MET PRIVATELY  
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WITH RPF DELEGATION HEAD BIZIMUNGU AND PATRICK  
MAZIMHAKA. HE URGED THAT THE RPF MOVE BEYOND THE  
DISCUSSION OF THE GENERAL STATEMENT ON POWER-SHARING AND  
FOCUS ON INSTITUTIONS. U.S. REP NOTED THAT THE GOR  
OFFER OF REFORMS TO INCLUDE THE RPF WAS A POTENTIALLY  
SIGNIFICANT CONCESSION; THE OPPORTUNITY TO NEGOTIATE THE

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SCOPE OF THESE REFORMS SHOULD NOT BE MISSED. IN ADDITIONAL DISCUSSIONS WITH GOR, FONMIN NGULINZIRA AND THE FACILITATOR (FONMIN DIRIA), U.S. REP EMPHASIZED THAT THE GOR HAD TO START MAKING SPECIFIC OFFERS ON INSTITUTIONAL CHANGES THAT WOULD MEET THE RPF'S CONCERN.

5. BEFORE THE SEPTEMBER 13 PLENARY, MAPURANGA ADVISED US THAT THE TWO SIDES APPEARED READY TO AGREE ON A COMPROMISE FORMULA ON POWER-SHARING. BIZIMUNGU TOLD U.S. REP THAT THE RPF HAD DECIDED TO TRY THE TACK WE HAD SUGGESTED AT THE OPENING OF THE PLENARY, THE TWO SIDES ASSENTED TO THE FOLLOWING FORMULATION:

-  
ARTICLE ONE: THE TWO PARTIES REAFFIRMED THEIR ACCEPTANCE OF THE PRINCIPLE OF POWER-SHARING WITHIN THE FRAMEWORK OF A BROAD-BASED TRANSITIONAL GOVERNMENT IN CONFORMITY WITH ARTICLE FIVE OF THE N'SELE CEASE-FIRE AGREEMENT AS AMENDED AT GBADOLITB ON SEPTEMBER 16, 1991, AND AT ARUSHA ON JULY 12, 1992, THE MODALITIES OF IMPLEMENTATION OF WHICH PRINCIPLE ARE THE OBJECT OF THIS PROTOCOL OF AGREEMENT.

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ARTICLE TWO: IN THAT CONNECTION, THE TWO PARTIES AGREE THAT THE MODALITIES CONSIST OF:

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(A) MAINTENANCE OF THE PRESENT STRUCTURES OF THE COALITION GOVERNMENT WITH APPROPRIATE ADJUSTMENTS TO BE MUTUALLY AGREED UPON IN THIS PROTOCOL WITH A VIEW TO MAKING ROOM FOR THE PARTICIPATION OF THE RPF AND OTHER POLITICAL FORCES IN THE COUNTRY;

(B) APPROPRIATE ADJUSTMENTS MUTUALLY AGREED UPON IN THIS PROTOCOL TO BE CARRIED OUT AT THE LEVEL OF THE STATE'S POWERS WITH A VIEW TO ALLOWING THE RPF AND OTHER POLITICAL FORCES IN THE COUNTRY TO PARTICIPATE, MAKE FOR THE EFFICIENT MANAGEMENT OF THE TRANSITION AND IN RESPECT OF THE PRINCIPLE OF THE SEPARATION OF POWERS.

6. FOLLOWING THIS ADVANCE, THE PLENARY NEARLY BOGGED DOWN AGAIN WHEN THE RPF PROPOSED TO SKIP OVER THE NEXT SECTION OF THE WORKING DOCUMENT, WHICH DEALS WITH THE FUNCTIONS OF THE TRANSITIONAL GOVERNMENT, AND MOVE DIRECTLY TO A DISCUSSION OF INSTITUTIONS. THE GOR DELEGATION WANTED TO AGREE ON A COMMON PROGRAM FOR THE TRANSITION BEFORE DISCUSSING INSTITUTIONS. THE RPF INSISTED THAT AS THE TALKS WERE ABOUT POWER-SHARING, IT WANTED TO GET TO THE INSTITUTIONAL QUESTIONS. FONMIN DIRIA POINTED OUT THAT THE PARTIES WERE NOT COMMITTED TO FOLLOW THE WORKING DOCUMENT CLAUSE BY CLAUSE; THEY WERE FREE TO TAKE ITS SECTIONS IN ANY ORDER THEY AGREED ON. THE GOR SIDE ACCEPTED THE RPF'S PROPOSAL, BUT STATED THAT IT WISHED TO FIRST DISCUSS THE "BROAD-BASED TRANSITIONAL GOVERNMENT," I.E., THE EXECUTIVE AND THE CABINET. IN A BRIEF EXCHANGE BETWEEN THE HEADS OF THE DELEGATIONS, THE TWO SIDES DECIDED TO ADJOURN SO THEY COULD CONSULT DIRECTLY TOGETHER IN AN INFORMAL SETTING,

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AND THE PLENARY ADJOURNED UNTIL SEPTEMBER 14 ON THIS POSITIVE NOTE.

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